IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14688 of 2004

Between:

M/s Sterling and Wilson Electricals Private Ltd, G-3, 'A' Block, Renuka Shakti Apartments, Opp: Bharatiya Vidya Bhavan, Basheerbagh, Hyderabad - 500 029, Rep. by its Project Manager, Mr. A. Veerendra Kumar.

..... PETITIONER

AND

1 Additional Commissioner (CT) (Legal), O/o The Commissioner of

Commercial Taxes, Hyderabad, A.P.
2 The Deputy Commissioner (CT), Abids Division, Nampally, Hyderabad.
3 The Commercial Tax Officer, Narayanaguda Circle, Nampally, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or orders more particularly one in the nature of writ of mandamus and declaring impugned order dated 9-8-2004 passed by the 1st Respondent in CCT's Ref.No. LIII (1)/1174/2004, as illegal, arbitrary, unjustified, contrary to the provisions of law.

Counsel for the Petitioner:MR.J.V.RAO, Advocate.

Counsel for the Respondents : SPL GP FOR TAXES

The Court at the stage of admission, made the following :

ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 25% of the liability. Therefore, we set aside the order of the authority and direct that 25% of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

(BILAL NAZKI, J)

19th August, 2004.

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(S.ANANDA REDDY, J)

ajr

Sd/- P.EKAMBARAM

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1 The Additional Commissioner (CT) (Legal), O/o The Commissioner of

Commercial Taxes, Hyderabad, A.P.
2 The Deputy Commissioner (CT), Abids Division, Nampally, Hyderabad.
3 The Commercial Tax Officer, Narayanaguda Circle, Nampally, Hyderabad.

4 Two C.Cs. to the Special GP for Taxes, High Court buildings, Hyderabad

(O.U.T).

5. Two C.D. copies.

6. One CC to mr. J.V. Rao, Advocate. (OPUC).

Kul.

Dt: 19-8-2004

Order

W.P.no. 14688 of 2004

Disposing the W.P. without costs.